



# PUBLIC NOTICE

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## WCB EXTENDS THE ELIGIBLE LOCATIONS ADJUSTMENT PROCESS REGISTRATION DEADLINE AND MODIFIES OTHER RELATED DEADLINES AND PROCEDURES

### WC Docket No. 10-90

By this Public Notice, the Wireline Competition Bureau (Bureau) announces an extension of the deadline for individuals, non-governmental entities such as small businesses, and governmental entities, such as state public utility commissions and Tribal authorities, to initiate the registration process for participating in the Eligible Locations Adjustment Process (ELAP) as a stakeholder.<sup>1</sup> Specifically, the Bureau extends the original deadline, Friday, March 25, 2022, 11:59 PM ET, to **Friday, May 13, 2022, 11:59 PM ET**.<sup>2</sup> This extension will help ensure that any qualifying party that wants to participate in the ELAP may do so.

We take this action because stakeholder participation is essential to the success of ELAP, and successful completion of the registration process is a prerequisite to such participation. The Bureau has accepted the filings of twenty-six (26) different carriers (Participants) in twenty-three (23) states (a total of thirty-six (36) different Participant/state combinations) as meeting the minimum prima facie evidentiary standards for proceeding with ELAP; these participants seek reductions of their defined deployment obligations ranging from a 1% to 60% reduction.<sup>3</sup> By filing challenges to the accuracy and completeness of the location information submitted by one or more of these Participants, stakeholders help mitigate the risk that adjustments to these Participants' deployment obligations will result in previously funded, qualifying locations remaining unserved.<sup>4</sup> This is of particular concern if these unserved, qualifying locations are the most expensive or difficult to serve. The Commission noted that pursuant to its location adjustment process, funding recipients could attempt to "cherry pick" qualifying locations, failing to identify and serve locations where the costs exceeded the average per location amount

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<sup>1</sup> *WCB Announces CAF Phase II Support Recipients Meeting Standards for Continuing with the Eligible Locations Adjustment Process: the Opening of the Stakeholder Registration Period; Extension of Deadline for Stakeholders to File Challenges; Identification of Potentially Affected Tribal Authorities, Public Notice*, DA 21-1479 (WCB Nov. 29, 2021) (*ELAP Prima Facie Public Notice*). The registration form is available through a link (<https://elap.universalservice.org/elapsv>) on the USAC ELAP resources page, <https://www.usac.org/high-cost/funds/caf-phase-ii-auction/eligible-locations-adjustment-process-elap/>.

<sup>2</sup> *ELAP Prima Facie Public Notice* at 1.

<sup>3</sup> *Id.* at 2; Connect America Fund Phase II auction page, <https://www.fcc.gov/auction/903> (publishing non-confidential location information of Participants meeting prima facie requirements).

<sup>4</sup> *Connect America Fund*, WC Docket No. 14-259, Order on Reconsideration, 33 FCC Rcd 1380, 1390, para. 25 (2018) (*Phase II Auction Reconsideration Order*); *Connect America Fund*, WC Docket No. 10-90, Order, 34 FCC Rcd 10395, 10399, paras. 11-12 (2019) (*Locations Adjustment Order*).

of support received, even though such average is derived from the estimated total costs of deployment to all funded locations in the state.<sup>5</sup>

In accordance with this extension of the stakeholder registration deadline, the Bureau also shifts the opening and closing dates of the window of time during which stakeholders may submit their own information challenging the completeness or accuracy of participating carriers' location information. The Bureau initially set this window to open on Friday, April 1, 2022, 12:01 AM ET, and to close on Wednesday, June 29, 2022, 11:59 PM ET.<sup>6</sup> We now shift the opening date for the window to **Friday, May 20, 12:01 AM ET**, and the ending date to **Thursday, August 18, 2022, 11:59 PM ET**. At the start of this filing window, stakeholders and Participants that want to review relevant confidential information may do so pursuant to a protective order process.<sup>7</sup> USAC will publish an ELAP Protective Order Guide, designed to walk parties through the process, that will be available on the USAC ELAP resource page, <https://www.usac.org/high-cost/funds/caf-phase-ii-auction/eligible-locations-adjustment-process-elap/>. While this guide is designed to assist parties in completing this process, parties should also read the *ELAP Protective Order* that discloses the terms and conditions of accessing confidential information.<sup>8</sup>

The Bureau makes two minor modifications to the ELAP procedures to simplify these processes. Specifically, with respect to the Protective Order process, the Bureau redirects any party objecting to an Acknowledgement of Confidentiality (Acknowledgement) to file its objection through an FCC-accredited account managed by USAC instead of in High Cost Broadband Portal.<sup>9</sup> Parties shall continue to follow other procedural requirements outlined in the *Protective Order*, including the requirement that the objection be directly served on the party submitting the Acknowledgement.<sup>10</sup> In addition, instead of repopulating the ELAP Map with stakeholder location information and restricting public access, the Bureau will instead share certified stakeholder information with Participants pursuant to the terms and conditions of the Protective Order directly through the ELAP module and will generate reports, upon Participant request, that include an individualized Map detailing the stakeholder locations.<sup>11</sup>

People with Disabilities: We ask that requests for accommodations be made as soon as possible to allow the agency to satisfy such requests whenever possible. Send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

For further information on this Public Notice, please contact Nissa Laughner, Attorney Advisor, at [Nissa.Laughner@fcc.gov](mailto:Nissa.Laughner@fcc.gov) or Joseph (Joe) Sorresso, Program Analyst, [Joseph.Sorresso@fcc.gov](mailto:Joseph.Sorresso@fcc.gov), both of the Telecommunications Access Policy Division, Wireline Competition Bureau.

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<sup>5</sup> *Phase II Reconsideration Order*, 33 FCC Rcd at 1390, para. 25.

<sup>6</sup> *ELAP Prima Facie Public Notice* at 6.

<sup>7</sup> *Connect America Fund*, WC Docket No. 10-90, Protective Order, 36 FCC Rcd 5605 (WCB 2021).

<sup>8</sup> *Id.*

<sup>9</sup> *See id.* at 5608, para. 7.

<sup>10</sup> *See id.*

<sup>11</sup> *See Locations Adjustment Order*, 34 FCC Rcd at 10399, para. 12.